

PATENT/Docket No. PC27453A

Appl. No. 10/706255

Filing Date: November 12, 2003

Amdt. dated October 6, 2006

Reply to Office action of September 6, 2006

REMARKS/ARGUMENTS

Applicant notes that claims 12 and 13, as drafted, depend from claim 17. As amended, claims 12 and 13 depend from claim 11. This corrects an obvious typographical error. Claims 9-11, 14, and 15 are withdrawn claims.

The Group I claims 1-8 and 12-13. Claims 1-8 depend from claim 1. Claim 1 reads:

1. A composition comprising:
 - (a) one to three bioactive agents; and
 - (b) a vehicle comprising:
 - (i) a modified liquid carrier, and
 - (ii) an un-modified liquid carrier

wherein the ratio by volume of the modified liquid carrier to the un-modified liquid carrier is between 0.00001:99.99999 to less than 0.01:99.99, that provide the composition with predictable sustained-release properties and wherein immediately after manufacture of the composition, said composition can be administered to a host such that the one to three bioactive agents is released to the host on a sustained basis.

The Group II claims depend from claim 9 and the group III claims depend from claim 10. Claim 9 reads:

9. A composition comprising crystalline cefotiofur free acid, modified cottonseed oil and saturated coconut oil.

Claim 10 reads:

10. A composition comprising crystalline cefotiofur free acid, modified trilinolein and saturated coconut oil.

In claims 9 and 10 the cefotiofur free acid is a bioactive agent useable in the present invention (specification page 5, line 25). Component (a) of claim 1 is one to three bioactive agents. Component (a) of claim 1 reads on cefotiofur crystalline free acid. The modified cottonseed oil of claim 9 is a modified liquid carrier (specification page 3, lines 11-14). Component (b)(i) of claim 1 reads on modified liquid carrier such as modified cottonseed oil. The modified trilinolein of claim 10 is a modified carrier (specification page 9, line 32). As set forth above, component (b)(i) of claim 1 reads on modified liquid carriers, such as modified trilinolein. The saturated coconut oil of claims 9 and 10 is an

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unmodified liquid carrier (specification page 3, lines 13-14; page 9, lines 26-27; page 10, lines 7-8). Component (b)(ii) of claim 1 reads on coconut oil. Applicant respectfully submits that claim 1 reads on each and every element of claims 9 and 10. The limitation of claim 11 is found in claim 1. Accordingly claim 1 reads on claims 9-11. Applicant respectfully requests withdrawal of the restriction requirement with regard to group I, II, and III claims. In other words, Applicant respectfully requests that claims 1-13 as amended be included in the elected group I. Applicant respectfully notes that as amended, claims 12 and 13 depend from the withdrawn claim 11. Applicant respectfully requests that the Examiner withdraw the restriction requirement with regard to claims 9-11 thereby making claim 12 an allowable dependent claim.

Applicant understands that with the election of the Group I claims, claims 14 and 15 are withdrawn from consideration. However, Applicant respectfully offers amendments to these claims and requests reconsideration of the restriction requirement in view of the amendments. Applicant respectfully submits that the process set forth in claims 14 and 15 as amended, will produce the product of claim 1. Applicant respectfully requests withdrawal of the restriction requirement with regard to the group IV and V claims. If the restriction requirement is maintained Applicant respectfully requests that the process claims be rejoined with the product claims are allowable.

Applicant respectfully submits that in view of the fact that all the composition of matter claims fall in the same class and subclass there is no reason to maintain a request for election of species. Withdrawal of the entire Restriction/Election requirement and examination of the amended claims is respectfully solicited.

Respectfully submitted,



John H. Engelmann, Attorney
Registration No. 28,075

Date: OCT 6, 2006

Pfizer Inc., Patent Department
KZO-300-104
7000 Portage Road
Kalamazoo, MI 49001
Telephone No. (269) 833-2532 or (269) 833-9500
Telefax No. (269) 833-8897 or (269) 833-2316